

# PATENT COLLABORATION TREATY

## PCT

### INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Chapter II of the Patent Collaboration Treaty)

(Article 36 and Rule 70 of the PCT)

Reference of the applicant's or agent's file	TO CONTINUE THE PROCEDURE		See form PCT/IPEA/416																								
International application No.	Date of international filing (month/day/year)	Date of priority (month/day/year)																									
PCT/MX2004/000072	(10.08.2004)	OCTOBER 10, 2003 (10.10.2003)																									
International Patent Classification (IPC) or at the same time national classification and IPC A 47 J 36/28 (2006.01)																											
<b>Applicant</b> <b>LARRABURE REYES, DAVID</b>																											
<p>1. This international preliminary report on patentability is established by this Department in charge of the international preliminary examination according to Article 35 and is transferred to the applicant pursuant to Article 36.</p> <p>2. This REPORT consists of 3 pages including this cover page.</p> <p>3. This report also contains APPENDIXES that include:</p> <p>a. <input checked="" type="checkbox"/> (forwarded to the applicant and to the International Bureau) a total of <u>3</u> pages, described as follows:</p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> pages of the description, claims and/or drawings that have been modified and that are used as the basis of this report, and/or pages containing rectifications authorized by this Department (see Rule 70.16 and the Administrative Instruction 607 of the PCT).</li> <li><input type="checkbox"/> pages that replace former pages, but that this Department deems to contain modifications that go beyond the disclosure of the invention as was originally filed, according to point 4 of Box I and in the Supplementary Box.</li> </ul> <p>b. <input type="checkbox"/> (forwarded only to the International Bureau) a total of (indicate type and number of electronic support(s)) _____, which include a list of sequences and/or reactive table(s) only in electronic format, as indicated in the Supplementary Box related to the Sequence Lists (see Administrative Instruction 802).</p>																											
<p>4. This report contains directions related to the following points:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 15%;"><input checked="" type="checkbox"/></td> <td style="width: 15%;"><b>Box I</b></td> <td style="width: 70%;">Basis of the report</td> </tr> <tr> <td><input type="checkbox"/></td> <td><b>Box II</b></td> <td>Priority</td> </tr> <tr> <td><input type="checkbox"/></td> <td><b>Box III</b></td> <td>No opinion on the novelty, inventive activity and industrial application</td> </tr> <tr> <td><input type="checkbox"/></td> <td><b>Box IV</b></td> <td>Lack of invention unit</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td><b>Box V</b></td> <td>Motivated statement according to Rule 35.2) about the novelty, the inventive activity, and the industrial application; quotes and explanations supporting this statement</td> </tr> <tr> <td><input type="checkbox"/></td> <td><b>Box VI</b></td> <td>Certain documents quoted</td> </tr> <tr> <td><input type="checkbox"/></td> <td><b>Box VII</b></td> <td>Defects in the international application</td> </tr> <tr> <td><input type="checkbox"/></td> <td><b>Box VIII</b></td> <td>Remarks on the international application</td> </tr> </table>				<input checked="" type="checkbox"/>	<b>Box I</b>	Basis of the report	<input type="checkbox"/>	<b>Box II</b>	Priority	<input type="checkbox"/>	<b>Box III</b>	No opinion on the novelty, inventive activity and industrial application	<input type="checkbox"/>	<b>Box IV</b>	Lack of invention unit	<input checked="" type="checkbox"/>	<b>Box V</b>	Motivated statement according to Rule 35.2) about the novelty, the inventive activity, and the industrial application; quotes and explanations supporting this statement	<input type="checkbox"/>	<b>Box VI</b>	Certain documents quoted	<input type="checkbox"/>	<b>Box VII</b>	Defects in the international application	<input type="checkbox"/>	<b>Box VIII</b>	Remarks on the international application
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Date of filing of the international preliminary examination application AUGUST 08, 2005 (08.08.2005)	Date of completion of this report. FEBRUARY 07, 2006 (02.07.2006)																										
Name and postal address of the Department in charge of the international preliminary examination SPANISH PATENT AND TRADEMARK OFFICE C/Panama, 1- 28071 Madrid (Spain) Fax No. 91 349 53 04	Authorized official Perez Moreno, Ma. Paz Telephone No.: 91 349 53 94																										

INTERNATIONAL PRELIMINARY REPORT ON  
PATENTABILITY

International application No.  
PCT/MX2004/000072

Box I. Basis of this report

1. Regarding the language, this report has been established on the basis of the international application in the language in which it was delivered, except specified to the contrary as follows:

This report is based on a translation from the original language to the following language \_\_\_\_\_ which is the language of a translation provided for purposes of:

- an international search (according to Rules 12.3 and 23.1 b))
- publication of the international application (according to Rule 12.4)
- international preliminary examination (according to Rules 55.2 and/or 55.3)

2. Regarding the elements of the international application, this opinion has been established based on (*the replacement pages that have been sent to the receiving Office as a reply to a requirement according to Article 14 are designated in this report "Initially filed" and are not attached to the report*):

the international application just as it was initially filed/sent

the description:

pages 1-2, just as they were initially filed/sent

pages \* \_\_\_\_\_, received by this Department on \_\_\_\_\_

pages \* \_\_\_\_\_, received by this Department on \_\_\_\_\_

claims:

pages \_\_\_\_\_, just as initially filed/sent

pages \*3-4 modified (accompanied with a statement) according to Article 19

pages \* \_\_\_\_\_, received by this Department on \_\_\_\_\_

pages \* \_\_\_\_\_, received by this Department on \_\_\_\_\_

drawings:

pages \*1/1 just as initially filed/sent

pages \* \_\_\_\_\_, received by this Department on \_\_\_\_\_

pages \* \_\_\_\_\_, received by this Department on \_\_\_\_\_

a list of the sequences and/or relative table(s): see Supplementary Box related to Sequence Lists

3.  Modifications have caused the nullification of:

the description, pages \_\_\_\_\_

claims, No. 1-3, initially filed

drawings, pages/fig. \_\_\_\_\_

list of sequences (*specify*) \_\_\_\_\_

table(s) relating to the list of sequences (*specify*) \_\_\_\_\_

4.  This report has been established as if (some of) the modifications attached hereto and listed below have been filed, since they have been considered to go beyond the disclosure of the invention just as it was filed, as specified in the Supplementary Box (Rule 70.2.c)).

the description, pages \_\_\_\_\_

claims, No. 1-3, initially filed

drawings, pages/fig. \_\_\_\_\_

list of sequences (*specify*) \_\_\_\_\_

table(s) relating to the list of sequences (*specify*) \_\_\_\_\_

\* If point 4 is used, any or all these pages may bear the "replaced" seal.

INTERNATIONAL PRELIMINARY REPORT ON  
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International application No.

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Box V. Motivated statement according to Article 35.2) on the novelty, the inventive activity and the industrial application; quotes and explanations supporting this statement.

1. Statement	Novelty	Claims	1 - 4	YES NO
		Claims		
Inventive activity		Claims	1 - 4	YES NO
		Claims		
Industrial application		Claims	1 - 4	YES NO
		Claims		

2. Quotes and explanations

Documents considered.

Doc.	Number of Publication or Identification	Date of Pub.
D01	ES 2014324	07.01.1990
D02	ES 1015265	06.16.1991
D03	ES 0245741 U	01.16.1980
D04	ES 5461867	10.31.1995

Two groups of inventions related to the invention have been found, which form the state of the art.

On the one hand, there are containers that include an air-tight module that includes two chemical reactives (see documents D01, D03, D04). Such reactives are stable in separate, but when mixed, an exothermal or endothermal reaction is produced that produces heat or cold that is transferred to an element, regularly food or drink, contained in another module of the same container separated from the first module. In order for the reactives to get mixed, the container thereof has to be broken, so such containers may not be reused, and this makes them different from the invention.

On the other hand, we have a group of inventions (see, e.g., document D02) consisting of pads with a closed compartment and an open compartment, where the object to be heated is introduced. In such inventions, the heat is supplied by an electric or similar resistance, they are not autonomous devices, since they depend on an external power supply.

Consequently, by examining these documents found, the invention is considered to have a novelty, inventive activity, and industrial application.

Form PCT/IPEA/409 (Box V) (April, 2005)

I, María de los Ángeles Pérez Cue, expert translator approved by the Superior Court of Justice in and for Mexico City, hereby certify that to the best of my knowledge and belief the above is a true translation of its original in Spanish.

Mexico City, March 15, 2006.

*Ma de los Ángeles Pérez Cue*

AP